

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE JPMORGAN CHASE & CO. ) Master File No. 08 Civ. 974 (DLC)  
SHAREHOLDER DERIVATIVE )  
LITIGATION ) **DECLARATION OF GEORGE C.**  
This Document Relates To: ) **AGUILAR IN SUPPORT OF MOTION**  
ALL ACTIONS ) **TO WITHDRAW AS COUNSEL OF**  
 ) **RECORD**  
\_\_\_\_\_  
)

I, GEORGE C. AGUILAR, declare as follows:

1. My name is George C. Aguilar. I am a member in good standing with the State Bar of California. My law firm, Robbins Umeda<sup>1</sup> is counsel of record for Plaintiff in the above-captioned matter. Pursuant to Local Civil Rule 1.4 of the Local Rules of the United States District Courts for the Southern and Eastern District of New York, Robbins Umeda respectfully requests leave to withdraw as counsel of record for Plaintiff in this action.

2. Plaintiff has retained the law firm of Whatley Drake & Kallas, LCC ("Whatley Drake") for the purpose of representing him in this litigation. It is the decision of Plaintiff and Whatley Drake to proceed with the litigation with only Whatley Drake representing him.

3. Withdrawal can be accomplished without material adverse effect on Plaintiff's interest in view of his retention of Whatley Drake. Plaintiff's interests will be well-represented as Whatley Drake, with 45 lawyers in offices in New York, Boston and Birmingham, has expertise in derivative litigation. Upon the Court's leave, Robbins Umeda will immediately transfer all files and records in this case in its possession to Plaintiff's new counsel and cooperate as needed to make the substitution of counsel as seamless as possible.

4. Withdrawal of Robbins Umeda and the substitution of Whatley Drake can be accomplished with minimal impact on the briefing of the motion under Fed. R. Civ. P. 23.1 and no adverse effect on the calendar in this case.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 7th day of August, 2008, at San Diego, California.

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s/ George C. Aguilar  
GEORGE C. AGUILAR

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<sup>1</sup> Capitalized terms as defined in Motion to Withdraw as Counsel of Record filed concurrently herewith, unless otherwise noted.

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2008, the foregoing document was filed with the Clerk of the Court for the U.S. District Court, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to all attorneys of record who have consented in writing to accept this Notice as service of documents by electronic means as indicated on the attached Electronic Mail Notice List.

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/s/ George C. Aguilar

George C. Aguilar

## Mailing Information for a Case 1:08-cv-00974-DLC

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)